

Washington County Land Use Authority Meeting
June 14, 2011
(Recording available)

The Washington County Land Use Authority Meeting was held on Tuesday, June 14, 2011 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Mike Stucki.

Commissioners present: Dave Everett, Doug Wilson, Julie Cropper, Rick Jones, and Kim Ford.

Excused: JoAnn Balen, Deborah Christopher

Staff present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer; Rachelle Ehlert, Deputy Attorney; Kurt Gardner, Building Official; Kim Hafen County Clerk; John Willie, Planning Administrator; and Doreen Bowers-Irons, Planning Secretary.

Audience attendance: Gary Simonsen

Chairman Stucki led the audience in the Pledge of Allegiance after which, he explained the meeting protocol.

I. STAFF COMMENTS. Review staff comments for each agenda item listed; Staff initiated.

II. CONDITIONAL USE PERMIT EXTENSION. Request permission to locate a temporary batch plant and job site trailer within the OSC-20 zone, for the expansion of the Red Butte Substation located on Forest Service land near Central; Schmidt Construction, applicant.

There was no one in attendance for this item and the item was tabled.

Motion: Commissioner Wilson **MOVED** to table recommendation approval, of a temporary batch plant and job trailer within the OSC-20 zone, for the expansion of the Red Butte Substation on Forest Service land near Central for one year, until a representative was in attendance. Commissioner Ford **SECONDED**. The motion carried with all six (6) Commissioners voting in favor.

III. CONDITIONAL USE PERMIT EXTENSION. Review Conditional Use Permit Extension to construct and operate an asphalt processing plant, within the I-1 zone, Section 1, T40S, R13W, SLB&M, located near Pintura; Sunroc Corporation/Russell, Leslie, and Dana Truman, applicants.

There was no one in attendance for this item and the item was tabled.

Motion: Commissioner Ford **MOVED** to table recommendation of approval for the Conditional Use Permit Extension for one year to construct and operate an asphalt processing plant, within the I-1 zone, Section 1, T40S, R13W, SLB&M, located near Pintura, until a representative was in attendance. Commissioner Everett **SECONDED**. The motion carried with all six (6) Commissioners voting in favor.

IV. CONDITIONAL USE PERMIT EXTENSION. Review extension request for a gravel crushing operation in the Pintura area of Washington County; Dana Truman/SUNROC, applicant.

There was no one in attendance for this item and the item was tabled.

Motion: Commissioner Ford **MOVED** to table recommendation of approval of the Conditional Use Permit Extension for one year for a gravel crushing operation in the Pintura area of Washington County, until a representative was in attendance. Commissioner Jones **SECONDED**. The motion carried with all six (6) Commissioners voting in favor.

V. CONDITIONAL USE PERMIT EXTENSION. Request permission for a racing event “15 Miler Turn Around” for a 5K and 15-mile run on August 6, 2011, beginning at 7:00 a.m., generally located 1.5 miles north of Pine Valley on Grass Valley Road; Blue Duck Racing/Bob Hermandson, applicant.

There was no one in attendance for this item and the item was tabled.

Motion: Commissioner Everett **MOVED** to table recommendation to the County Commission to approve a Conditional Use Permit Extension for the “15 Miler Turn-Around” 5K and 15-Mile Run request 1.5 miles north of Pine Valley on Grass Valley Road to be held August 6, 2011, until a representative was in attendance. Commissioner Ford seconded. The motion carried with all six (6) Commissioners voting in favor.

VI. CONDITIONAL USE PERMIT EXTENSION. Review request to construct a motocross and ATV Track within the OST-20 zone, containing 20 acres, a portion of Section 15, T39S, R16W, SLB&M generally located east of Hwy 18 on North Baker Lake Road and 300 East in Central; Robert and Mary Houston, applicants and Gary Simonson, agent.

The Planner explained the location and provided pictures of the track. She stated this is the second annual review for this item which was approved a few years ago. The track is for personal and public use and there are several scheduled events each year. The Commission previously determined this zone was similar and compatible with the surrounding land use and they will need to make findings that the use is consistent or similar with the characteristics and purposes stated for the zone. The proposed use requested is similar to the gravel pits, trail uses, and private recreation grounds and facilities allowed conditionally within the OST-20 Zone (10-6b-3). In the original conditional use permit approval, the Commission addressed concerns about noise, dust, pollution, parking, ingress and egress for safe travel, hours of operation, water and sanitary facilities, and emergency services available.

The building official has completed a final site inspection of the track one month ago and found everything to be adequate; therefore, the commission may want to approve this use on a permanent basis. If there are any additions or improvements to the property, the applicant will need to come back to the Commission for approval of those additions or improvements.

Kurt Gardner, Building Official stated he inspected the property one month ago and found no issues with the track. The fence is installed and the equipment is secured.

Gary Simonsen stated this is a work in progress throughout the property. They continually change the track and jumps for events. At some point in time, they would like to add a building to house a concession stand and restrooms. At which point, they would come back to the commission for approval.

Commissioner Everett stated concerns for the hazards that appear next to the track, i.e., rocks, trees, and other obstacles. Mr. Simonsen reported the track is a minimum of 30-feet away from any of those types of hazards.

Commissioner Ford asked about insurance liability limits, participant waivers, and toilet facilities. Mr. Simonsen reported on his insurance. He stated there is one port-a-potty on the property at all times and additional toilets are rented as needed from a person out of Enterprise. Everyone who goes through the gate signs a waiver of liability.

Additional discussion regarding the use of the property occurred, during which, the commission found and made the findings of fact for permanent approval of the use that are:

Facts & Findings:

- This use complies with the conditional use permit requirements.
- There is no public opposition to this use.
- The intended use is in harmony with the permitted uses of the OST-20 Zone.

Motion: Commissioner Everett **MOVED** to recommend the County Commission approve the Conditional Use Permit Extension request for a motocross and ATV Track within the OST-20 zone, containing 20 acres located in a portion of Section 15, T39S, R16. SLB&M generally located east of Hwy 18 on North Baker Lake Road and 300 East in Central on a permanent basis with the following findings of fact:

Facts & Findings:

- This use complies with the conditional use permit requirements.
- There is no public opposition to this use.
- The intended use is in harmony with the permitted uses of the OST-20 Zone.

Commissioner Jones **SECONDED**. The motion carried with all six (6) Commissioners voting in favor.

Mr. Simonsen asked how he could get an address for the property for emergency services. The Planner stated she would get the information to him.

VII. DISCUSSION ITEM/ORDINANCE AMENDMENT. Washington County Land Use (Zoning) Ordinance review possible amendments to 10-13-21 Supplementary and Qualifying Regulations for Residential Facilities for Persons with a Disability; County initiated.

The Attorney reported Staff has been looking at amendments to this ordinance (10-13-21: Residential Facilities for Persons with a Disability) for several months now for possible changes. An attorney with the Insurance Pool currently is reviewing the ordinance for the county. The documents have not been returned yet but the attorney's office anticipates them soon. The Attorney stated she would contact the attorney working on this item to see where it is in the process. When the information is available it will come before the commission for discussion.

VIII. DISCUSSION ITEM/ORDINANCE AMENDMENT. Washington County Code (Subdivision Ordinance) review possible amendment to Title 11-7-1(G) Retention; County initiated.

The Planner stated this item concerns bonding language for Title 11-7-1(G). The Public Works Department has had a couple of calls over the language of this code section, so Mr. Whitehead asked that the language that referred a bidder to this section of the code to just say the same thing that 11-7-1(b) says. The Lead Civil Attorney, Eric Clarke and staff, felt this was a simple amendment, which will be advertised for a public hearing for the July 12th meeting.

The Commission asked for clarification regarding the 120% bond amount. The planner explained that once the improvements are in place, the county would release 100% of the bond and hold 20% to ensure that the improvements hold for one year. If they are substandard and need to be repaired, the county has funds to ensure the repairs will be made.

A discussion occurred regarding the bonding and changes to the ordinance. The Commission had other changes they would like to see added while this ordinance is being amended anyway, which were:

- Add in Section C, a timeline of eight (8) days for the letter from the County to be issued for acceptance or rejection of final inspection.
- Under Section F, Item B, Number 5, include cable and data lines to utilities before the asphalt is installed if they are to be installed under the road.

The Commission and staff discussed in length the installation of cable/data lines and what happens when those lines are installed after the road is in place. Todd Edwards, County Engineer, informed the Commission that the County requires conduit for utility lines to be installed before the asphalt is laid for the roads or the utility lines outside lines ran outside of the asphalt.

IX. DISCUSSION ITEM/ORDINANCE AMENDMENT. Washington County Land Use (Zoning) Ordinance review possible amendment regarding Wind Energy Systems and Facilities; County initiated.

The Planner stated at the last meeting, the Planning Commission decided to go with modifications to the Wind Energy Ordinance currently in place, instead of starting over with the State Model Ordinance. Perry Thompson, the Associate Director for USTAR, Technology Outreach compiled information and provided for the commission to review and address any changes to the ordinance they would like to see. Mr. Thompson has indicated that the “glint” or “glare” question is more difficult to explain as each manufacturer has a proprietary technology on the chemicals and/or methods they utilize to prevent or diminish glint or glare. Mr. Thompson would support a requirement indicating that the shadow calculation and time lapse video of that shadow affect and a corresponding glint mitigation effort or coating by the manufacturer is provided to the County before approval is granted. Mr. Thompson also sent information about a webinar on wind energy that will be held on June 15, 2011 at 1:00. The planner asked the Commission if they wanted to proceed with the discussion or watch the webinar then discuss the item at the next meeting to see if their questions and concerns might be answered.

The Commission concluded that they would like to attend the webinar and then address any changes that might be necessary. Staff was directed to and will e-mail the webinar information to the Commissioners.

X. DISCUSSION ITEM/OPEN MEETING. Review Utah Open and Public Meeting Act; County initiated. The Planner stated she attended a UCIP meeting and was given information regarding the Utah Open and Public Meeting Act. UCIP has asked the information be reviewed with the Planning Commission to ensure compliance with the Open Meeting Act. The Commission reviewed the information and a discussion took place regarding compliance with the law. The Commission asked the attorney to put together a resolution for adoption allowing the Planning Commission to hold electronic meetings. The attorney agreed to put a resolution together for the Commission to adopt in the near future.

XI. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on June 7, 2011; County initiated.

The Planner reviewed Staff decisions of the Land Use Authority Staff Meeting held May 3, 2011.

CONDITIONAL USE PERMIT EXTENSION:

A. Request permission to build a single family dwelling within the OST-20 zone, Kolob Mountain on 39 acres near Kolob Reservoir. Kelly Blake, applicant.

This is the review for a 2nd extension, with the applicant previously meeting the requirements for the Conditional Use Permit by submitting a site plan for a dwelling (Permit #6016), septic permit and letters from the Washington County Water Conservancy District stating they will serve culinary water to the property. A septic permit has been issued by the Southwest Utah Public Health Department. Building Inspector Henry Brannon completed a 4-way inspection on September 10, 2010. The property is accessed from Kolob Mountain Road, then entering the 500 plus acres owned by the Blake's. The home is being built on the property line and east sectional line on the 39 acres. The site plan meets all setback requirements. **The staff granted approval of the Conditional Use Permit for a single-family dwelling for the period of one (1) year.**

B. Request permission for an accessory dwelling above a garage at 255 S. 200 West, in Pine Valley. Rexine Rowley, applicant and Jeff Gardner, agent.

This is a review for a 2nd extension for an accessory dwelling to be above a detached garage (Permit #6033). Building Official Kurt Gardner completed a 4-way and insulation inspection on August 23, and September 20, 2010. Previously, the applicant obtained approval of the Washington County Water Conservancy District (WCWCD) on densities in the Pine Valley area for an upgrade to the septic system, so the Southwest Utah Public Health Department (SWUPHD) issued another septic permit. The property is within the RE-20.0 zone and meets the setback requirements of that zone. The applicant submitted a site plan and floor plan for review showing the sleeping quarters were labeled correctly. **The staff approved the Conditional Use Permit Extension for another year.**

C. Request permission to build a single-family dwelling within the OST-20 zone, Kolob Mtn. adjacent to Zion Panorama Subdivision. Stanley Stevens, applicant.

This is an automatic annual review. Previously, the applicant had met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and deeds showing water rights from the Zion's Panorama Water Company and right-of-ways to any and all roads across and to the property. Deeds show that this property was created into parcels of 26 and 14 acres in 1984, then added to a deed all-inclusive of Zion Panorama Subdivisions in 1992, then separated out to the original metes and bounds description in 2000. A septic permit has been issued by the Southwest Utah Public Health Department. The property is accessed from Kolob Mountain Road, Oak Valley Road, then traversing through Zion's Panorama roadways. The cabin was built on a point above the wash area, which is about the only portion on the two parcels that is useable on this steep terrain. The dwelling unit (Permit #6137) was inspected and approved for final occupancy on October 12, 2010 by Building Inspector Henry Brannon. **The staff approved the Conditional Use Permit for a single-family dwelling granting permanent status.**

D. Request permission to hold the annual Founder's Day Celebration at Old Fort Harmony, approximately 3 miles east of New Harmony. L Karen Platt, applicant.

The Fort Harmony Historical Society representative is asking for review of a use that has been extended from a one (1) day event to one (1) week, beginning on 13th of June, instead of the 18th of June. This event had been held for several years within New Harmony Town, then in 2006 the pageant was held at the Old Fort Harmony site, and in 2007, they changed the format to have just scheduled pioneer events. These types of events are conditionally approved. This event is known as "Fort Harmony Days" scheduled for Monday, June 13, thru Friday, June 17, 2011, to have pioneer events to celebrate the founding of Harmony Valley. Archaeological excavation will take place for five days. At the beginning of the week there will be a flag raising ceremony at the Fort and a guest speaker and a guest vocalist. On Friday there will be a closing celebration, a Chili Cook-Off Contest, and dinner. Parking will be available along Old Hwy 144 and 2900 East (Schmutz Lane). Visitors will be able to utilize the library restrooms. Tables will probably be set up on the library parking lot for the barbeque. **The staff granted approval of the Conditional Use Permit for the week long event with a review in one (1) year.**

CONDITIONAL USE PERMITS:

A. Request permission to build a single-family dwelling within the OST-20 zone, Enterprise area in the Big Mountain Subdivision. Howard West, applicant.

The applicant has met the requirements for the Conditional Use Permit by submitting a site plan, septic permit, and quantity and quality information on a private well. Single-family dwellings are conditionally approved within the OST-20 zone, with this property containing a total of 50 acres. The property is accessed from Hwy 120 and, generally located west of Enterprise and the site plan meets all setback requirements. **The staff granted approval of the Conditional Use Permit for a single-family dwelling for the period of one (1) year.**

B. Request permission to build a single-family dwelling within the A-20 zone, southeast of New Harmony. Ray Rhoe, applicant.

The applicant meets the requirements for the Conditional Use Permit by submitting a site plan, deeds of ownership, septic permit from the Southwest Utah Pubic Health Department (SUPHD), and a culinary water use from a private well, showing quantity and quality. Single-family dwellings are conditionally approved within the A-20 zone, with this property containing a total of 20 acres. The property is accessed from the Old Hwy 144, heading southeasterly to 600 South. The site plan meets all setback requirements of 25' on all sides, rear and front. The Wildland Urban Interface for fire protection would need to be addressed during the permitting process at the staff level. **The staff granted approval of the Conditional Use Permit for a single-family dwelling for the period of one (1) year.**

XII. MINUTES. Consider approval of the minutes of the regular Planning Commission meeting held May 10, 2011.

Motion: Commissioner Everett MOVED to adopt the Minutes of May 10, 2011. Commissioner Ford SECONDED. The motion passed with all six (6) commissioners voting aye.

XIII. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items on June 7, 2011; County initiated.

The Planner reported to the Commission planning items approved by the County Commission on June 7, 2011 beginning at 4:00 p.m., which were: (a) Conditional use extension to operate an aggregate processing plant and crushing operation in an existing grand fathered pit on 22.39 acres, located in a portion of Section 32, T39S, R16W, SLB&M, generally located east of Veyo; Sunroc Corporation/Russell Leslie and Dana Truman, applicants; (b) Conditional use and modification on previous motion on locating four (4) wind towers on State Land near Anderson Junction; Jerry Eves/Southwest Wind Energy, applicant; (c) Conditional use to operate a non-profit therapeutic riding center on 30-acres located in the Doug Thorley Subdivision generally located southeast of New Harmony; Debra Kermott, applicant; and (d) Conditional use for three (3) motorized valve buildings in Central, Gunlock and near Beaver Dam for the UNEV petroleum pipeline project; Cindy Gubler/UNEV representative, applicant.

XIV. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

The commission discussed meeting on June 28, 2011 for a work meeting to work on the Community General Plans. The June 28, 2011 will be held. Staff will watch items coming in to see if two meetings per month is warranted and if so, will notify the commission.

Motion was made and seconded to adjourn the meeting at 2:25p.m.

Doreen Bowers-Irons
Planning Secretary

Approved: 12 July 2011